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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,487	08/26/2003	Gareth B. Evans	85035F-P	5862

7590 06/01/2005

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EXAMINER

RUTLEDGE, DELLA J

ART UNIT	PAPER NUMBER
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285F

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,487

Applicant(s)

EVANS ET AL.

Examiner

D. Rutledge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/03.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Vacation of Action

1. This Office Action is in response to the telephone communication by the applicant's attorney on 18 November 2004 concerning the objection to Claims 4 – 10, 14 and 15. The applicant's representative pointed out that there are no multiple dependent claims, as objected. Therefore, the previous Office Action, dated 05 October 2004, is hereby vacated and a new Office Action comprising an examination on the merits of all the claims of record appears below.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 – 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaughn, IV (US 4,977,422).

Claims 1 and 11: Vaughn, IV has an apparatus for washing substances from a coated surface of a material PSM. The apparatus may have a horizontal or inclined surface,

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see Figs. 2 and 4. An inlet is provided for entrance of processing liquids 7 through hoses 30.

A mesh assembly 17, 19 provides full contact flexible pressure as it lays on top the material PSM in each processing station (claim 2 and 13).

The mesh 19 provides an inherent textured surface (claim 3).

The mesh assembly comprises a flexible plastic sheet 17 that bends easily in the length, but does not bend width due to the rigid portion 18 (claim 4).

The weight of the pressure applying means 17, 19 is non uniform because of the rigid portion 18 (claim 5).

The mesh 19 provides a non smooth resistance means providing a resistance to downward flow of the wash solution and having a capacity to hold wash solution in excess of that of a substantially smooth surface (claims 6 and 14).

The wash solution is introduced between the material and the means applying pressure 17, 19 (claim 12).

The apparatus is used with photographic materials (claims 10 and 15).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughn IV. Vaughn IV does not disclose the pressure applying means, mesh assembly 17, 19, as being wider than the material. If the feature is not inherent, one of ordinary skill in the art would be motivated to use a pressure applying means that is wider than the material to improve the application of pressure to the total area of the material and better control the flow or coating of the wash solution over the complete area of the material.

8. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaughn IV (US Pat. No. 4,977,422).

Vaughn IV discloses that the mesh assembly 17, 19 has a flexible material 17 composed of plastic, however, one of ordinary skill in the art at the time the invention was made would have recognized that other materials could have been used as the flexible material than plastic, such as PVC or rubber, if the materials provided the

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pressure for the material to be washed, corrosion resistance to chemicals, and a sealing or water tight arrangement to the washing solution.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Long (US 5,357,305) is a photosensitive processing apparatus having a pressure member, plates 28, in full contact with the photosensitive material.

Response Data

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Rutledge whose telephone number is (571) 272-2127. The examiner can normally be reached on Mon - Thurs, 6:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


D. Rutledge
Primary Examiner
Art Unit 2851

dr
5/24/2005